

APPENDIX VI:

SHPO LETTER



STATE OF DELAWARE
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
DELAWARE STATE HISTORICAL PRESERVATION OFFICE
21 THE GREEN, SUITE A
DOVER • DE • 19901-3611

TELEPHONE: (302) 739-5685

FAX: (302) 739-5660

May 10, 2004

Mr. Robert Kleinburd
Realty & Environmental Specialist
Federal Highway Administration
J. Allen Frear Federal Building
300 South New Street
Dover, DE 19904-6726



RE: Indian River Inlet Bridge Replacement Project (Bridge 156, carrying SR 1 over Indian River Inlet), Sussex County, Delaware; State Contract Number 23-073-03; Federal Aid Project Number BROS-S050(7); finding of effect

Dear Mr. Kleinburd:

I am writing in response to a finding on No Historic Properties Affected submitted on your agency's behalf by the Delaware Department of Transportation for the Indian River Inlet Bridge replacement project.

The Delaware Department of Transportation assessed the potential effect of the project on historic properties, within the 5-mile Area of Potential Effect. DelDOT completed an inventory of previously identified historic structures, provided information for several other properties meeting the 50 year age criterion within a 2 mile radius of the proposed new bridge, as well as identified those properties that are listed in the National Register of Historic Places. The revised Cultural Resource Management Document, and the draft final Environmental Assessment (received in our office on April 29, 2004) address the potential for visual effects of the project on the identified historic properties.

DelDOT also completed Phase I archaeological investigations of the bridge footprint area, realigned access and park roads, utility relocation area, and the proposed Fresh Pond Wetland mitigation areas. In addition, DelDOT addressed the potential effects on submerged archaeological resources at the proposed offshore disposal area where use of an existing artificial reef is proposed. The intent of the archaeological surveys and assessments was to identify areas where potentially significant archaeological resources may be located and to plan for avoidance. The draft final Environmental Assessment indicates that DelDOT plans to avoid archeological resources in the project area and has recommended measures to insure the protection of those archeological sites in the Fresh Pond North and Haul Road areas.

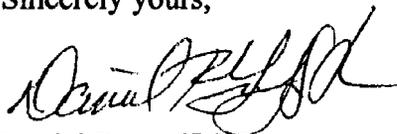
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After a review of the various documents submitted by DelDOT which describe these efforts, and based on several in-field consultations with DelDOT and its consultants, we concur that the proposed undertaking meets the criteria for a finding of No Historic Properties Affected. Our concurrence is made with the understanding that:

1. DelDOT will alter its plan for use of the Haul Road Turn-Out areas, as outlined in our e-mail of May 5, 2004;
2. DelDOT will provide the DE SHPO and other consulting parties with a copy of the final project plans for all areas of the proposed undertaking, including the wetland mitigation areas, as well as a copy of the Environmental Statement and/or other contract documents that include instructions to the contractor(s) regarding avoidance of archaeological sites, and will take into account any comments provided by the DE SHPO and/or other consulting parties on these documents prior to starting construction on the project;
3. DelDOT will notify the DE SHPO and other consulting parties in the event there are any design changes that extend beyond the proposed limits of construction as illustrated in the final plans, and will take into account any comments provided by the DE SHPO and/or other consulting parties prior to implementing such changes;
4. DelDOT will confine all disposal of project related material, and staging and stockpiling to those locations that have already been identified for such activities. Specifically, DelDOT will adhere to the DE SHPO's conditions for the use of artificial reef Site No. 10, as stipulated in a letter to the Corps of Engineers dated March 8, 2000. If there are changes in the locations of such activities, we request that DelDOT submit a map of any new locations to our office for review and further consultation prior to using those areas, to ensure that the plan for avoidance of archaeological resources is maintained; and
5. Finally, our concurrence is conditioned upon the completion of a final cultural resource survey report that integrates the results of all the cultural resource research and fieldwork for this undertaking into one report.

Thank you for your consideration of these comments. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely yours,



Daniel R. Griffith
Director/SHPO

Letter to R. Kleinburd
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cc: Carolann Wicks; Chief Engineer, DelDOT
Therese M. Fulmer, Manager, Environmental Studies, DelDOT
Robert Taylor; Assistant Director, Engineering Support, DelDOT
Dennis O'Shea; Assistant Director, Design, DelDOT
Mike Hahn; Environmental Studies Planner, DelDOT
Kevin Cunningham; Archaeologist; DelDOT
Cara Blume, Cultural & Recreational Services Section, Parks & Rec., DNREC
Richard Hassel, Chief, Application Section I, Phila. District, U.S. Army Corps of Engineers
Waverly Gregory, Jr.; Chief, Bridge Administration Branch, United States Coast Guard



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May 11, 2004

Mr. Waverly Gregory, Jr.
Chief, Bridge Administration Branch
Office of the Commander (obr)
Fifth Coast Guard District
4th Floor, 431 Crawford Street
Portsmouth, VA 23704-5004

RE: Public Notice 5-1004; Indian River Inlet Bridge Replacement Project (Bridge 156, carrying SR 1 over Indian River Inlet), Sussex County, Delaware

Dear Mr. Gregory, Jr.

Thank you for providing us with an opportunity to comment on the Public Notice for the above-referenced undertaking. As a funding agency for this undertaking, the Federal Highway Administration (FHWA) has taken the lead for compliance with Section 106 of the National Historic Preservation Act. To help address this responsibility, the Delaware Department of Transportation (DelDOT) has, on behalf of the FHWA and in consultation with the DE SHPO, undertaken cultural resource surveys of the Area of Potential Effect (APE) for the overall project. This effort covered the part of the project that is also subject to the Coast Guard's approval. Several resources were found to be in the APE, and we have consulted on ways to avoid effects to these resources.

Attached please find our letter to FHWA, concurring with a finding of No Historic Properties Affected for the undertaking. This concurrence is given with the understanding that DelDOT will carry out several additional steps, which are outlined in our letter. We ask that the Coast Guard take note of the conditions that are applicable to its approval, and reference them in the approval document.

If you have any questions, please do not hesitate to contact me, or Gwen Davis of my staff.
Thank you.

Sincerely,

Daniel R. Griffith
Director/State Historic Preservation Officer

Enclosure

cc: Robert Kleinburd, Realty & Environmental Specialist, Federal Highway Administration
Carolann Wicks, Director, Division of Transportation Solutions, DelDOT
Therese M. Fulmer, Manager, Environmental Studies, DelDOT



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May 11, 2004

Mr. Frank J. Cianfrani
Chief, Regulatory Branch
Philadelphia District
U.S. Army Corps of Engineers
100 Penn Square East
Philadelphia, PA 19107-3390

RE: CENAP-OP-R-200400194-1; Indian River Inlet Bridge Replacement Project (Bridge 156, carrying SR 1 over Indian River Inlet), Sussex County, Delaware

Dear Mr. Cianfrani:

Thank you for providing us with an opportunity to comment on the Public Notice for the above-referenced undertaking. As a funding agency for this undertaking, the Federal Highway Administration (FHWA) has taken the lead for compliance with Section 106 of the National Historic Preservation Act. To help address this responsibility, the Delaware Department of Transportation (DelDOT) has, on behalf of the FHWA and in consultation with the DE SHPO, undertaken cultural resource surveys of the Area of Potential Effect (APE) for the overall project. This effort covered the parts of the project that are also subject to the Corps' permit. Several resources were found to be in the APE, and we have consulted on ways to avoid effects to these resources.

Attached please find our letter to FHWA, concurring with a finding of No Historic Properties Affected for the undertaking. This concurrence is given with the understanding that DelDOT will carry out several additional steps, which are outlined in our letter. We ask that the Corps take note of the conditions that are applicable to its permit, and reference them in the permit.

If you have any questions, please do not hesitate to contact me, or Gwen Davis of my staff. Thank you.

Sincerely,

Daniel R. Griffith
Director/State Historic Preservation Officer

Enclosure

cc: Edward Bonner, Biologist, Application Sect. I, Phila. District, US Army Corps of Engineers
Robert Kleinburd, Realty & Environmental Specialist, Federal Highway Administration
Carolann Wicks, Director, Division of Transportation Solutions, DelDOT
Therese M. Fulmer, Manager, Environmental Studies, DelDOT